

ASSEMBLY, No. 784

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

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District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Authorizes municipalities to adopt ordinances requiring maintenance and repair of certain wharves, piers, docks and bulkheads.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** authorizing municipalities to adopt ordinances requiring
2 the maintenance and repair of wharves, piers, docks and
3 bulkheads along navigable waterways within a municipality, and
4 supplementing Title 12 of the Revised Statutes.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

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9 1. a. The governing body of each municipality may adopt, by
10 ordinance, requirements for the maintenance and repair of wharves,
11 piers, docks and bulkheads along navigable waterways within the
12 municipality, pursuant to standards established by the Department of
13 Environmental Protection. The standards shall be developed by the
14 department to ensure that the potential for harm to public health and
15 safety and to the environment is minimized, taking into consideration
16 the location, the surroundings and the use of the wharf, pier, dock or
17 bulkhead.

18 b. The governing body of each municipality adopting an
19 ordinance pursuant to subsection a. of this section may prescribe
20 penalties for the violation of the ordinance, either a fine not to exceed
21 \$500, or imprisonment in the county jail for a term not to exceed 90
22 days, or both for a first offense. For a second or subsequent offense, a
23 municipality may prescribe penalties of either a fine not to exceed
24 \$2,000, or imprisonment in the county jail for a term not to exceed 90
25 days, or both.

26 The court before which a person is convicted of violating any such
27 ordinance shall have the power to impose any fine or term of
28 imprisonment not exceeding the maximum fixed in the ordinance.

29 A person convicted of a violation of the ordinance may, in the
30 discretion of the court by which the person was convicted, and in
31 default of the payment of any fine imposed therefor, be imprisoned in
32 the county jail for a term not to exceed 90 days.

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34 2. a. Within 18 months after the effective date of this act, the
35 department shall adopt, pursuant to the “Administrative Procedure
36 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
37 establishing criteria and minimum standards necessary for the
38 maintenance and repair of wharves, piers, docks and bulkheads along
39 navigable waterways within a municipality.

40 b. The department shall develop technical guidance materials to
41 assist municipalities, which shall include: (1) procedures for the
42 inspection and evaluation of existing wharves, piers, docks and
43 bulkheads along navigable waterways within a municipality; (2)
44 notification procedures to owners in non-compliance with minimum
45 maintenance and repair standards established by local ordinance, to
46 perform required remediation; and (3) verification and inspection
47 processes necessary to ensure compliance with minimum standards
48 adopted by the municipality.

1 3. Section 1 of this act shall take effect upon the adoption by
2 the Department of Environmental Protection of the rules and
3 regulations required pursuant to section 2 of this act, and the
4 remainder of this act shall take effect immediately.

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7 STATEMENT
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9 This bill would authorize municipalities to adopt ordinances
10 requiring the maintenance and repair of wharves, piers, docks and
11 bulkheads along navigable waterways within a municipality, pursuant
12 to standards established by the Department of Environmental
13 Protection. These standards would be developed to minimize potential
14 harm to the public and to the environment, considering the location,
15 surroundings and the use of the wharf, pier, dock or bulkhead.

16 The governing body of each municipality adopting such an
17 ordinance may prescribe penalties for the violation of the ordinance,
18 either a fine not to exceed \$500, or imprisonment in the county jail for
19 a term not to exceed 90 days, or both. For a second or subsequent
20 offense, a municipality may prescribe penalties of either a fine not to
21 exceed \$2,000, or imprisonment in the county jail for a term not to
22 exceed 90 days, or both.

23 Within 18 months after the effective date of the bill, the
24 department would be required to adopt regulations establishing
25 minimum standards for maintenance and repair of wharves, piers,
26 docks and bulkheads along navigable waterways within a
27 municipality.

28 Further, the department would be required to develop technical
29 guidance materials to assist municipalities in: (1) inspecting and
30 evaluating existing wharves, piers, docks and bulkheads along
31 navigable waterways within a municipality; (2) notifying owners in
32 non-compliance with minimum maintenance and repair standards
33 established by local ordinance, to perform required improvements; and
34 (3) verifying and inspecting maintenance repairs necessary to ensure
35 compliance with minimum standards adopted by the municipality.

36 The standards developed by the department and the requirements
37 imposed by municipalities pursuant to this bill would be in addition to
38 those established or prescribed pursuant to any other law, rule or
39 regulation pertaining to wharves, piers, docks and bulkheads.